

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER APPOINTED BY
THE CHRISTCHURCH CITY COUNCIL**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of an application for resource consent under section 88 of
the RMA by Cambridge 137 Limited for demolition of a
heritage building and construction of a hotel

APPLICANT Cambridge 137 Limited

**JOINT MEMORANDUM OF COUNSEL SEEKING CHANGE OF
HEARING DATE**

7 August 2024

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MAY IT PLEASE THE HEARING COMMISSIONER

- 1 The hearing in relation the resource consent application made Cambridge 137 Limited (**Applicant**) to demolish the building at 137 Cambridge Terrace, Christchurch (known as Harley Chambers) and build a hotel in its place (**Application**) has been scheduled to commence on 2 September 2024. The officer's s42A report is currently due to be circulated no later than Monday 12 August 2024.
- 2 Harley Chambers is currently listed as a Group 2 (Significant) heritage building in the Christchurch District Plan (**District Plan**) in Appendix 9.3.7.2. This means that currently resource consent is required to demolish the building under the Chapter 9 provisions of the District Plan.
- 3 On 17 March 2023 the Christchurch City Council (**Council**) publicly notified Plan Change 14 (**PC14**) which is its intensification planning instrument required under the intensification streamlined planning process in the RMA.
- 4 Through the PC14 process the Applicant made a submission that Harley Chambers be removed from Appendix 9.3.7.2 due to the extensive damage it suffered during, and since, the 2011 Canterbury seismic events. This submission was supported by expert evidence heard by the independent hearings panel (**IHP**) who heard submissions on PC14.
- 5 The IHP released its recommendations report on PC14 on 30 July 2024. It has recommended Harley Chambers be removed from Appendix 9.3.7.2.
- 6 Under the intensification streamlined planning process in Part 6 of Schedule 1 of the RMA, Council must now consider the recommendations in the report and make a final decision on PC14, including whether to accept the IHP's recommend to remove Harley Chambers from the Schedule of Significant Heritage Items (Appendix 9.3.7.2). It is anticipated a decision will be made by the Council on 4 September 2024. The Council's decision on PC14 is not appealable and if the Council accepts the IHP recommendations in relation to Harley Chambers then the affected parts of the District Plan as modified by the IHP recommendations will become operative as soon as Council's decisions are notified (Clause 104 of Schedule 1 of the RMA).

- 7 In addition to the heritage schedule, the IHP's recommendations on PC14 also affect a number of other provisions within Chapter 15 of the District Plan that are relevant to the Application (including rules triggered in relation to the height limits and road wall heights).
- 8 With the current scheduled hearing date of 2 September, the Applicant, Council and submitters all face having to prepare evidence for and attend the hearing on the basis of a planning framework that will most likely be altered on 4 September, only two days after the hearing commences.
- 9 Whether or not Harley Chambers is removed from the Heritage Schedule through the Council's decision on 4 September will directly affect whether resource consent is required to demolish the building.
- 10 In the circumstances and to ensure efficiency for all parties and the hearings commissioner, both the Applicant and Council seek that timetabling directions set out in paragraph 6 of Minute 1 be amended so that the s42A report, the Applicant's evidence, submitter expert evidence and hearing for the Application are all moved to a date after the date on which the Council is scheduled to make its decision on PC14.
- 11 There is no specific power in the RMA by which to adjourn a hearing date. However, the RMA provides inherent powers under s 39(1) of the RMA to establish a procedure that is appropriate and fair in the circumstances.
- 12 It is submitted adjourning the hearing and timetabling directions for the s42A report, evidence and the hearing itself until after Council's decision on PC14 is made is fair as, if the Council's decision is to accept the IHP recommendations on relevant provisions, it allows the resource consents to be considered and heard under the framework of the operative rules, rather than under rules which are subject to change; and even if the Council decision rejects any relevant IHP recommendations, the planning framework will still be clearer than it is prior to 4 September. This will assist in providing the parties, submitters, and Hearing Commissioner improved clarity about the District Plan framework and ensure a more efficient evidence exchange and hearing process.
- 13 Subject to the hearing commissioner's availability, the Applicant and Council respectfully seek the following alternative directions to those set out in paragraph 6 of Minute 1:

- (a) The officer's s42A report to be circulated no later than Wednesday 11 September 2024.
 - (b) The Applicant's evidence to be circulated no later than Wednesday 18 September 2024.
 - (c) Submitter expert evidence to be provided no later Wednesday 25 September 2024.
 - (d) The hearing be rescheduled to a date after 2 October 2024.
- 14 Counsel notes that Mr Blair's s42A report will need to be published imminently under the current Minute 1 timetabling directions and accordingly respectfully seek the hearing commissioner's earliest attention to the directions sought in this memorandum.

Dated this 7th day of August 2024



L de Latour | E Pairman
Counsel for 137 Cambridge Terrace Limited



B Pizzey
Counsel for the Christchurch City Council